

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.269 OF 1998

AND

SPECIAL CIVIL APPLICATION NO.274 OF 1998

VB MANIAR & ORS.

VERSUS

CHAIRMAN, JAMNAGAR RAJKOT GRAMIN BANK

Appearance: (In both Special Civil Applications)

MR RC JANI for the Petitioners

CORAM: MR.JUSTICE S.K.KESHOTE

Date of Order:03/02/1998

C.A.V. ORDER

Heard the learned counsel for the petitioners.

2. The petitioners, in both these petitions, are the officers of the respondent-Bank. Grievance has been made by petitioners that the respondent-bank, in violation of the rules, regulations, guidelines, statutory provisions and notifications issued from time to time by the Reserve Bank of India, NABARD and the Government of India, has deprived the petitioners their due promotions and promotions are given to the persons below the petitioners in seniority list. It has further been grievanced that the respondent has also violated the decision of this Court given in the matter of promotion of the officers of the Bank. Prayer has therefore been made for direction to the respondent to promote the petitioners to the post of Scale II Grade.

3. The promotions which have been given to the junior officers have not been challenged by petitioners. The learned counsel for the petitioners, on being asked by the Court, is unable to satisfy this Court that the case of the petitioners were not considered for promotion. What the learned counsel for the petitioners contended that the criteria for promotion is seniority-cum-fitness and as such unless there are positive adversities in the service record of the petitioners, there is no question of any supersession of the petitioners in promotion.

However, in view of the fact that the petitioners have directly approached this Court against the aforesaid action without first waiting for the decision of the authorities on their representations, reference of which has been made in para-8 of the Special Civil Application, I do not consider it to be appropriate to decide the matter on merits. In such matters, it is advisable for the petitioners to first approach to the higher authorities in the concerned Banks against their grievances and only when those representations are not decided by them within a reasonable time or decided against them, there may be some semblance of justification to approach this Court. The promotions of the juniors have been made, as per the case of petitioners, only on 29th September 1997 and the representations have been filed by petitioners in October 1997 and December 1997. These petitions have been filed by petitioners on 16.1.98. In view of the fact that the representations of the petitioners are still pending, I do not consider it to be appropriate to make interference and these Special Civil Applications are summarily rejected. However, it is expected of the respondent-Bank to decide the representations of the petitioners in respect of the grievances made in the Special Civil Applications as expeditiously as possible, but not later than three months from the date of receipt of writ of this order. Direct service is permitted.

(S.K.Keshote, J)

(sunil)